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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/632,408 | 07/31/2003 | Charlie Steinmetz , | 200209321-1 | 2933 |

7590 03/04/2005
HEWLETT-PACKARD COMPANY
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EXAMINER

VO, ANH T N

ART UNIT PAPER NUMBER

2861

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/632,408 | STEINMETZ ET AL | |
| | Examiner | Art Unit | |
| | Anh T.N. Vo | 2861 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/27/2004</u> | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

The rejection under 35 USC 112, second paragraph, is withdrawn in view of the amendments to the claims.

The rejection over Hattori et al. (US Pat. 6,719,415) and Hmelar et al. (US Pat. 6,183,077) is withdrawn in view of the amendments to the claims.

Claim Rejections

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 10, 12, 14, 16 and 19-24 are rejected under 35 USC 102 (b) as being anticipated by Mochizuki et al (US Pat. 6264314).

Mochizuki et al discloses an ink cartridge in Figures 4 and 11-12 comprising:

- a reservoir (4) including a planar front surface (4a) having an outer perimeter;
- a keying pocket (4g, 4h) recessed from the front surface of the reservoir interior the outer perimeter and

configured to mate with a complementary key post (16, 17) substantially normal to the front surface of a printing-fluid container bay (9). The elements (4g, 4h) are interpreted as the keying pocket because they are configured to fit to the key post (16, 17);

- wherein the front surface (4a) is substantially planar and the keying pocket recessed substantially normal to the front surface; and
- wherein the front surface is a leading surface adapted to be laterally installed into the printing-fluid container bay. The leading surface (4a) includes a fluidic interface (2).

Claims 1-10 and 12-24 are rejected under 35 USC 102 (e) as being unpatentable over Powell et al (US Pat. 6,471,333).

Powell et al discloses in Figures 3-4, 6 and 9-14 an ink cartridge comprising:

- a reservoir (110) including a planar front surface having an outer perimeter;
- a keying pocket (360A, 360B) recessed from the front surface of the reservoir interior the outer perimeter and configured to mate with a complementary key post (460A, 460B, see Figure 9) substantially normal to the front surface of a printing-fluid container bay (receiving station);
- wherein the front surface (4a) is substantially planar and the keying pocket recessed substantially normal to the front surface;
- wherein the front surface is a leading surface adapted to be laterally installed into the printing-fluid container bay. The leading surface includes a fluidic interface (308, 310, Figure 4); and
- wherein the holding fluid is designated by a characteristic of the key pocket such a shape which designates a different printing fluid, see Figure 13.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 11 is rejected under 35 USC 103 (a) as being unpatentable over Powell et al (US Pat. 6,471,333).

Powell et al disclose in Figures 1-4 and 6-13 an ink cartridge comprising all of the limitations of the base claims as stated above but does not disclose that the front surface is substantially upright. However, a skilled artisan realizes that the front surface of the Powell et al's ink cartridge can be configured to upright or downright depending upon the size and shape of the receiving station. Thus, making the front surface of the Powell et al's cartridge upright is considered to be a matter of a mechanical design expedient for an engineer. It would have been obvious to a person having skill in the art at the time the invention was made to upright the front surface of Powell et al for the purpose of accommodating with the size and shape of the receiving station.

Response to Applicant's Arguments

The applicant argues that neither Hatorri et al. nor Hemlar et al. disclose a keying pocket interior an outer perimeter of a front face of a printing-fluid container. On the contrary, Hatorri et al. and Hemlar et al. each disclose features that are positioned on a perimeter of a front face. The argument is persuasive. However, this limitation is disclosed in the Mochizuki et al reference and the Powell et al reference as stated above.

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262.

The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M..

The fax number of this Group 2800 is (703) 872-9306.


ANH T.N. VO
PRIMARY EXAMINER
March 2, 2005